

JUL 28 2010

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CONNORAN, CLERK  
BY:   
DEPUTY CLERK

ROBERT WAYNE GWYN, JR.,	)	Civil Action No. 7:10-cv-00314
Plaintiff,	)	
	)	
v.	)	<u>ORDER</u>
	)	
S. YATES, <u>et al.</u> ,	)	By: Hon. James C. Turk
Defendants.	)	Senior United States District Judge

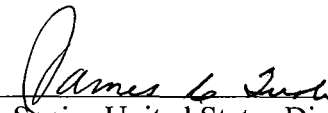
In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that plaintiff's complaint is **DISMISSED without prejudice** for failing to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b)(1), and the action is **STRICKEN** from the active docket of the court. Plaintiff may refile his claims in a new and separate action at the time of his choosing.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the plaintiff.

ENTER: This 28<sup>th</sup> day of July, 2010.

  
Senior United States District Judge